



Issue Date: 08 October 2019

CASE NO.: 2019-FRS-00069
OSHA NO.: 5-1260-18-120

In the Matter of:

Mark Skiba
Complainant

v.

Illinois Central Railroad Company
Respondent

ORDER GRANTING IN PART AND DENYING IN PART
CLAIMANT'S MOTION TO WITHDRAW WITHOUT PREJUDICE

The above-captioned case arises under the whistleblower protection provisions of the Federal Rail Safety Act of 2007 (the "Act"), 49 U.S.C. § 20109, as amended, and implementing regulations found at 29 C.F.R. Part 1982. On October 2, 2019, I received Complainant's Petition to Make Motion to Withdraw Without Prejudice.¹ Complainant described that he is unable to withstand the burden that litigation poses and asked to withdraw his Complaint against Illinois Central Railroad Company. In addition, Complainant has requested a two year extension of the statute of limitations to refile his case.

Upon consideration of the motion, it is hereby GRANTED in part and DENIED in part. The complaint is withdrawn with prejudice. However, the request to extend the statute of limitations is not permissible under the Act. Thus it is **DENIED**.

Accordingly, Complainant's complaint is withdrawn and the above-captioned case is **DISMISSED** with prejudice.

¹ On the same day, the Court received Complainant's "Motion to Rule Upon the Creation of a Streamlined Process for Pro-Se Employee Complainants." In the motion, Complainant asks the Court to consider creating a "streamlined process" for pro-se litigants. The relief Complainant seeks is outside the scope of the U.S. Department of Labor Office of Administrative Law Judges and therefore the Court will not rule on the motion.

SO ORDERED.

FRANCINE L. APPLEWHITE
Administrative Law Judge
Washington, D.C.